

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

MINH DANG,
Defendant.

No. CR 07-0641 SI

[PROPOSED] STIPULATED ORDER
CONTINUING COURT
APPEARANCE

Current Hearing Date: Friday,
November 2, 2007 at 11:00 am

Proposed Hearing Date: Friday,
November 9, 2007 at 11:00 am

The defendant Minh Dang is currently scheduled to make his initial appearance before this Court on Friday, November 2, 2007 at 11:00 am. This order continues that appearance until November 9, 2007 at 11:00 am.

Mr. Dang was released at his October 25, 2007 initial appearance before the magistrate judge by the Honorable Edward Chen. That afternoon, however, the United States Marshals took Mr. Dang into custody on a bench warrant out of Amador County, California.

AFPD Steven Kalar, counsel for Mr. Dang, has represented to the Court that he has been in contact with the Amador County Public Defender and with Mr. Dang's family. It is his understanding that Mr. Dang was moved to Amador County from Santa Rita jail on October 31, 2007, and will make his initial appearance on the bench warrant on November 2, 2007.

1 The parties anticipate that Mr. Dang will post bail on the state case during the week of
 2 November 5. The parties therefore jointly request that Mr. Dang's initial appearance be continued to
 3 Friday, November 9, 2007 at 11:00 am.

4 The parties also jointly proposed exclusion of time under the Speedy Trial Act from November
 5 2, 2007 until November 9, 2007, due to the defendant's unavailability on state charges.

6 Therefore, for good cause shown Mr. Dang's initial appearance on Friday, November 2, 2007 is
 7 vacated. The matter shall be added to the Court's calendar for an initial appearance and setting on
 8 Friday, November 9, 2007. Based on the representations of the parties, the Court finds that Mr.
 9 Dang will be unavailable until November 9 due to delay resulting from the charges against the
 10 defendant in Amador County, and excludes time under the Speedy Trial Act from November 2, 2007
 11 to November 9, 2007. *See* 18 USC § 3161(h)(1)(D).

12 IT IS SO ORDERED.

13 DATED

SUSAN ILLSTON
 United States District Court Judge

15 IT IS SO STIPULATED.

16 November 1, 2007

17 DATED

/s
 SCOTT C. SCHOOLS
 Interim United States Attorney
 Northern District of California
 KYLE WALDINGER
 Assistant United States Attorney

20 November 1, 2007

21 DATED

/s
 BARRY J. PORTMAN
 Federal Public Defender
 Northern District of California
 STEVEN G. KALAR
 Assistant Federal Public Defender